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MAY 22 2006

ATTEST
FOR THE JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

RICHARD W. WIEKING
 CLERK U.S. DISTRICT COURT
 DOCKET NOS. 1657 AND 1699
 700 B. JUN - 6 AND 1699
 N.D. CALIFORNIA
 DEBORA P. JACKEL, CLERK
 U.S. DISTRICT COURT
 MIDDLE DISTRICT ALA.

**MDL-1657- IN RE VIOXX MARKETING, SALES PRACTICES AND PRODUCTS
LIABILITY LITIGATION**

**MDL-1699- IN RE BEXTRA AND CELEBREX MARKETING, SALES PRACTICES
AND PRODUCTS LIABILITY LITIGATION**

Embry Wayne Hester, etc. v. Merck & Co., Inc., et al., M.D. Alabama, C.A. No. 2:06-242

Robert Madere, et al. v. Merck & Co., Inc., et al., D. Kansas, C.A. No. 2:06-2145

Beverly Wilhite, et al. v. Merck & Co., Inc., et al., N.D. Texas, C.A. No. 5:06-74

Maria Gomez v. Merck & Co., Inc., et al., S.D. Texas, C.A. No. 1:06-55

**MDL-1657 CONDITIONAL TRANSFER ORDER (CTO-49)
WITH SEPARATION, REMAND AND
MDL-1699 CONDITIONAL TRANSFER ORDER (CTO-24)**

On February 16, 2005, the Panel transferred 138 civil actions to the United States District Court for the Eastern District of Louisiana for coordinated or consolidated pretrial proceedings in MDL-1657 pursuant to 28 U.S.C. § 1407. Since that time, 3,729 additional actions have been transferred to the Eastern District of Louisiana. With the consent of that court, all such actions have been assigned to the Honorable Eldon E. Fallon.

On September 6, 2005, the Panel transferred 30 civil actions to the United States District Court for the Northern District of California for coordinated or consolidated pretrial proceedings in MDL-1699 pursuant to 28 U.S.C. § 1407. Since that time, 651 additional actions have been transferred to the Northern District of California. With the consent of that court, all such actions have been assigned to the Honorable Charles R. Breyer.

It appears that the actions on this conditional transfer order involve questions of fact which are common to: 1) the actions in MDL-1657 previously transferred to the Eastern District of Louisiana and assigned to Judge Fallon; and 2) the actions in MDL-1699 previously transferred to the Northern District of California and assigned to Judge Breyer. Each of these actions comprises two sets of claims, as follows: 1) claims relating to the prescription drug Vioxx that involve common questions of fact with the previously transferred MDL-1657 actions; and 2) claims relating to the prescription drugs Bextra and/or Celebrex that involve common questions of fact with the previously transferred MDL-1699 actions.

**Inasmuch as no objection is
pending at this time, the
stay is lifted.**

MAY 22 2006

CLERK'S OFFICE
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

I hereby certify that the foregoing
instrument is a true and correct copy
of the original on file in my office.

ATTEST:

RICHARD W. WIEKING
 Clerk, U.S. District Court
 Northern District of California

R. C. A.
 Deputy Clerk

Date 06/02/06

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the Eastern District of Louisiana for the reasons stated in the MDL-1657 transfer order of February 16, 2005, 360 F.Supp.2d 1352 (J.P.M.L. 2005), and, with the consent of that court, assigned to the Honorable Eldon E. Fallon.

The claims in each action relating to Bextra and/or Celebrex are hereby separated and remanded, under 28 U.S.C. § 1407(a), to their respective transferor courts.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), the resulting Bextra/Celebrex actions are transferred under 28 U.S.C. § 1407 to the Northern District of California for the reasons stated in the MDL-1699 transfer order of September 6, 2005, 391 F.Supp.2d 1377 (J.P.M.L. 2005), and, with the consent of that court, assigned to the Honorable Charles R. Breyer.

This order does not become effective until it is filed in the offices of i) the Clerk of the United States District Court for the Eastern District of Louisiana, and ii) the Clerk of the United States District Court for the Northern District of California. The transmittal of this order to said Clerks shall be stayed fifteen (15) days from the entry thereof and if any party files a notice of opposition with the Clerk of the Panel within this fifteen (15) day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:

Michael J. Beck
Michael J. Beck
Clerk of the Panel

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OFFICE OF THE CLERK
UNITED STATES DISTRICT COURT
2006 NORTHERN DISTRICT OF CALIFORNIA

Richard W. Wieking
Clerk

DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

450 Golden Gate Avenue
San Francisco, CA 94102
415.522.2000

30 May 2006

United States District Court
Middle District of Alabama
P.O. Box 711
Montgomery, AL 36101-0711

Re: MDL 05-1699 In re Bextra and Celebrex Marketing, Sales Practices and Products Liability Litigation

Title of Case(s)

Embry Wayne Hester, etc. -v- Merck & Co., Inc., et al

Your Case Number(s)

C.A. No. 2:06-0242

Dear Clerk:

Enclosed is a certified copy of the order from the Judicial panel on Multidistrict Litigation transferring the above entitled action to the Northern District of California, San Francisco Division. The case has been assigned to the Honorable Charles R. Breyer for coordinated or consolidated pretrial processing pursuant to 28 USC §1407.

Please forward the **original record and a certified copy of the docket entries** in the case listed above along with the enclosed copy of this transmittal letter to:

United States District Court
Northern District of California
450 Golden Gate Avenue, P.O. Box 36060
San Francisco, CA 94102
Attn: Rufino Santos

If the case is an electronic case filing, please forward the PDF documents, as separate PDF files, including a copy of the docket sheet to **rufino_santos@cand.uscourts.gov** or, if you prefer, on a disc. We appreciate your prompt attention to this matter.

Sincerely yours,
Richard W. Wieking, Clerk

R. C. Santos

By: Rufino Santos
Deputy Clerk

Encl.